

REMARKS

Claim 1 has been amended above. No new matter has been added. Support for the amendment can be found in the Specification. Applicants respectfully request reconsideration of the present application in view of this response.

Claims 1 to 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,778,987 to Saaski et al. (the "Saaski reference").

Applicants' remarks concerning the Saaski reference are incorporated in their entirety by reference herein. The Office Action refers to col. 18, lines 67-68, of the Saaski reference which purportedly concerns adding a coating to the outside of covers of a spectral modulation sensor in which a light absorbing and/or reflecting coating is added to the outer surface 25 of the etch stopped layer which forms the cover 28 for cavities 26. According to the Saaski reference, the coating is formed by using conventional vacuum deposition techniques to deposit two or more alternating layers of chrome and silicon on the outer surface 25 of the etch stopped layer of the silicon and glass wafer sandwich.

In contrast to the Saaski reference, claim 1 is directed to a scale for technical devices and requires a plurality of one of crystalline and amorphous first material layers having a first thickness and a plurality of one of crystalline and amorphous second material layers, the first material layers being different from the second material layers so that the second material layers are readily distinguishable from the first material layers when imaged using one of high-resolution and ultrahigh-resolution imaging methods, the second material layers having a second thickness and the first material layers alternating with the second material layers, wherein the first and second material layers are deposited by a material deposition method in the deposition direction. The Saaski reference is not believed to teach or suggest alternating crystalline and amorphous layers, or even alternating two different amorphous layers; and, the Saaski reference is not believed to teach or suggest depositing the material layers via a material deposition method in the deposition direction.

Accordingly, Applicants respectfully submit that claim 1, and its dependent claims 2 to 5, are allowable over the Saaski reference. Claim 6 and its dependent claim 7 contain some analogous features to claim 1 and are therefore allowable for essentially the same reasons as claim 1. Thus, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 1 to 7.

Claims 8 to 11 were not rejected for any specific reason. In view of the foregoing remarks and Applicants' remarks in earlier submissions to the Patent Office, Applicants respectfully submit that claims 8 to 11 are allowable.

CONCLUSION

In view of all of the above, it is believed that any rejections of the claims have been obviated, and that all currently pending claims 1 to 11 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

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Respectfully submitted,

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